IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

MISCELLANEOUS PETITION NO.18 OF 2005

Smt.Falguni Himanshu Somaiya Petitioner

versus

Master Dhawal Himanshu Somaiya Defendant

Shri Shyam K. Sthalekar for plaintiff.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th March 2006

PC :

1. This petition is accepted by this Court on 16th January 2006 and was made returnable after four weeks. Shri Sthalekar states that the petition has been served.

2. The petition seeks appointment of petitioner-mother of the minor as guardian of the minor Dhaval Somaiya.

3. From the averments of the petition it is clear that the father of the minor and husband of the petitioner has expired. Petitioner and minor

are residing at Rajkot. The minor is residing with the petitioner and presently studying at Rajkot.

4. Shri Sthalekar states that the deceased was a co-owner in an immovable property along with his brothers and other family members. Each one of them has decided to alienate their share in the property. The share of the deceased-husband of the petitioner is valued at Rs.20.00 lakh (Rs.Twenty lakh only) and Shri Sthalekar states that the petitioner has undertaken that the entire amount of Rs.20.00 lakh which would be received from the Purchasers of the immovable property, would be deposited in this Court. Thereafter, the amount would be dealt with as per the orders and directions of this Court for and on behalf of minor and for his education and welfare.

5. In the light of the statement of the petitioner-mother, I am satisfied that the petition deserves to be granted. Petition is, therefore, made absolute in terms of prayer clauses (a) to (c). As far as other prayers are concerned it is directed that before the petitioner executes conveyance in favour of the

purchasers, the entire purchase price which is estimated at Rs.20.00 lakh shall be deposited in this Court by the petitioner and thereafter the conveyance will be executed in favour of the purchaser. The Accounts Officer of this Court is directed to accept the said sum and keep the same invested till further orders and directions of this Court. The petitioner is also directed to deposit a copy of Conveyance Deed in respect of subject property with the Accounts Officer together with the proof of receipt of the same. Parties to act on an authenticated copy of this order duly issued by the Registry.

(S.C.DHARMADHIKARI, J.)